

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BERKELEY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014090112

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On August 29, 2014, Student filed a Due Process Hearing Request (complaint), naming District. On October 16, 2014, Student filed a proposed amended complaint. On October 20, 2014, Student filed another proposed amended complaint. District did not oppose Student's motion to amend. By order dated October 20, 2014, Student's amended complaint of October 20, 2014, was designated the First Amended Complaint and was deemed filed as of October 20, 2014. On November 21, 2014, the matter was continued to the currently scheduled hearing dates of February 23-26, 2015. On January 27, 2015, Student filed for leave to amend again, attaching a new proposed Amended Complaint. On January 30, 2015, District filed a notice of non-opposition

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend is timely and is granted. The amended complaint shall be designated the Second Amended Complaint and shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates. **NO FURTHER AMENDMENTS SHALL BE PERMITTED.**

IT IS SO ORDERED.

DATE: February 2, 2015

/s/

JUNE R. LEHRMAN

Administrative Law Judge

Office of Administrative Hearings